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E.O. 12958: N/A

TAGS: US AMGT APER KREC PGOV SU

SUBJECT: CRITERIA DEFINING PRIVILEGES AND IMMUNITIES OF U.S.
DIPLOMATIC FAMILY MEMBERS: PRACTICE IN SUDAN

REF: STATE 14282

¶1. (SBU) On February 19 poloff met with MFA Director of Protocol Ambassador Ali Youssif to review Sudanese practice regarding Sudan's criteria applied to recognizing the privileges and immunities of "members of the family" of a diplomatic agent, particularly with respect to children.

¶2. (SBU) Ambassador Youssif repeated what he told poloff over the phone, that Sudan determines which individuals it recognizes as "members of the family" based on reciprocity, reflecting the treatment its diplomats and their dependents are receiving abroad. Sudanese legislation governing this issue is titled the "Immunities and Privileges Act."

¶3. (SBU) After reviewing with Ambassador Youssif, point by point, U.S. State Department treatment of foreign diplomatic personnel in the United States (REFTEL); we conclude that the MFA considers "member of the family" of American diplomats in Sudan to include the spouse of the member of the mission and his or her unmarried children under 21 years of age, who are not members of some other household, and who reside exclusively in the principal's household. The term "family" also includes children who may not be accompanying and actually residing in the home, but who join the household for visits or during holiday periods.

¶4. (SBU) Poloff asked if Sudan recognizes unmarried partners as family members, Ambassador Youssif said "generally we don't, but we can consider it on a case by case basis, when we receive an official document from the diplomat's country government."

¶5. (SBU) Regarding the question of same- sex marriage, Ambassador Youssif answered firmly that "it is not acceptable in Islam; and we follow the Islamic law (Sharia), so we do not recognize it."

¶6. (SBU) Ambassador Youssif stated that he would query their embassy in Washington as to how the U.S. treats Sudanese diplomats with respect to such issues.

¶7. (SBU) Embassy Khartoum point of contact for this subject is Pol/Econ officer Amina El-Bishlawy.

FERNANDEZ